

# Notice of Allowability

Application No.

09/955,822

Examiner

Lynda M. Salvatore

Applicant(s)

LAURENCE ET AL.

Art Unit

1771

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/16/05.
2. ☒ The allowed claim(s) is/are 53-74 and 84-105.
3. ☒ The drawings filed on 18 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10/24/02
4. ☒ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 04/30/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Doug Eveleigh on 05/31/05.

#### IN THE CLAIMS:

Cancel Claims: 1-52 and 75-83

In claim 105: delete the words - -decorative laminate- - in line 2.

#### IN THE SPECIFICATION:

In the Specification, page 2, under the title "DECORATIVE LAMINATE ASSEMBLY AND METHOD OF PRODUCING SAME update continuing data to recite "This is a continuation-in-part of Application No. 09/767,556, filed on January 22, 2001 now US 6,803,110".

## DETAILED ACTION

### *Response to Remarks*

1. Applicant's request for continuing examination (RCE), amendment and accompanying remarks filed 05/16/05 have been fully considered and entered. Applicant's arguments regarding the statutory double-patenting rejections set forth in section 3 of the last Office Action are found persuasive. Specifically, the claims of the relied upon reference of US 6,803,110 recite the limitation of "attached to" whereas the instant claims recite "directly bonded to". Applicant's specification defines "directly bonded to" to mean without the use of additional adhesive layer. Since the term "attached to" could encompass the use of additional adhesive layers, the scope of US 6,803,110 is different from the instant claims. As such, these double-patenting rejections are hereby withdrawn. Claims 53-74 and 84-105 are found allowable over the prior art made of record for reasons set forth herein below.

### *Terminal Disclaimer*

2. The terminal disclaimer filed on 05/16/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,803,110 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### *Allowable Subject Matter*

3. The following is an examiner's statement of reasons for allowance: Claims 53-74 and 84-105 are allowable.

With respect to claim 53, the prior art of Eckart et al., and Min fail to teach a laminate having a top layer, a decorative layer comprising a thermosetting resin *impregnated cellulosic material*, a core layer below said decorative layer comprising polyethylene terephthalate glycol

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(PETG) and a substrate ***directly bonded to*** said decorative top layer assembly. With specific regard to claims 84 and 96 the anticipation and/or obviousness rejections made over Eckart et al., and/or Min were withdrawn since they failed to specifically teach a decorative layer comprising a thermosetting resin impregnated cellulosic material. Applicant's remarks filed 07/01/04 regarding said rejections were found persuasive. Accordingly, there is presently no new art for which to base a rejection and there is no motivation to combine references to form an obviousness type rejection. Thus, claims 53-74 and 84-105 are found allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 30, 2005

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